

## **Text of Proposed Regulations**

**Renumber Sections 20800, 20801, and 20802 of Chapter 8 of Division 7 of Title 2 of the California Code of Regulations to read as Sections 20802, 20803, and 20804, respectively. Add new provisions to read as Sections 20800, 20800.1, 20800.2, 20800.3, 20800.4, 20800.5, 20800.6, 20800.7, 20800.8, 20800.9, 20801, 20801.1, 20801.2, and 20801.3.**

§20800. Notary Public Education and Certificate of Approval.

(a) Prior to offering any course of study pursuant to paragraph (3) of subdivision (a) or paragraph (2) of subdivision (b) of Section 8201 of the Government Code, a vendor shall obtain a certificate of approval from the Secretary of State for each course of study offered.

(b) To apply for a certificate of approval, a vendor shall submit to the Secretary of State for approval a completed Notary Public Education Vendor Application or Amendment, form NP40 (09/04), hereby incorporated by reference, and a lesson plan satisfying the requirements in Section 20800.1.

(c) The Secretary of State shall issue a certificate of approval in accordance with subdivision (d) or deficiency notice in accordance with Section 20800.2 within ninety (90) business days of receipt of an application and lesson plan.

(d) Upon approval of an application and lesson plan, the Secretary of State shall send a certificate of approval for the course of study as identified in the lesson plan to the vendor by first class mail to the address listed on the Notary Public Education Vendor Application or Amendment, form NP40 (09/04). The certificate of approval shall include the following: the name of the approved vendor as listed on the Notary Public Education Vendor Application or Amendment, form NP40 (09/04); the address listed on the Notary Public Education Vendor Application or Amendment, form NP40 (09/04); the vendor identification number issued by the Secretary of State; and the date on which the course of study was approved by the Secretary of

State. A certificate of approval is non-transferable and shall not be transferred to another vendor or another course of study.

(e) An approved vendor shall not alter or substitute the lesson plan reviewed and approved by the Secretary of State, unless such revisions are approved by the Secretary of State in accordance with Section 20800.4.

(f) For the purposes of this chapter, an approved vendor shall be responsible for all employees, agents, instructors, contractors, and subcontractors providing an approved course of study on behalf of the approved vendor and the acts of the employees, agents, instructors, contractors, and subcontractors shall be deemed the acts of the approved vendor.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

**§20800.1. Lesson Plan.**

A lesson plan shall meet the following requirements:

(a) The lesson plan shall be based on the laws of California concerning the functions and duties of a notary public.

(b) The lesson plan shall contain a table of contents and the pages of the lesson plan shall be consecutively numbered.

(c) The lesson plan shall be in sufficient detail to enable the Secretary of State to evaluate the specific information to be presented and to determine the accuracy of the information to be presented.

(d) The lesson plan shall contain the procedures to establish the identity of a person attending a course of study to whom proof of completion may be issued in accordance with Section 20800.5.

(e) The lesson plan shall contain the procedures to ensure that a person attending a course of study is present for the required time.

(f) The lesson plan shall include a schedule of the time allotted for the following:

1. Lunch and break periods;

2. Each major subject area;

3. Each audio visual aid to be used, if any;

4. Each student participation activity, if any; and

5. Completion, correction, and discussion of any tests used and the method of correction to be used, if any.

(g) The lesson plan shall reflect where visual aids and student participation will be used to supplement lecture material. It shall explain the purpose of visual aids and student participation activity and describe how the instructor will generate the intended student participation. It shall include a brief synopsis of the information presented in any movie or video presentation, sufficient to enable the Secretary of State to determine what specific information is presented by the movie or video.

(h) Copies of any handout materials, workbooks, or tests used during the course of study shall be submitted for approval as part of the lesson plan.

(i) If the course provides for an evaluation by the students, a sample of the evaluation form shall be submitted with the lesson plan. Completion of the evaluation shall not exceed ten (10) minutes of class time.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 22441, 22442.2, and 22442.3, Business and Professions Code; Sections 14, 1181, 1183.5, 1185, 1188, 1189, 1190, 1193, 1195, 1196, 1197, 1633.11, and 1633.12, Civil

Code; Sections 1935, 2093, and 2094, Civil Code of Procedure; Section 3505, Commercial Code; Section 8080, Elections Code; Sections 1360, 1362, 6100, 6107 through 6110, 6203, 6707, 6800, 8200 through 8230, 27287, 66433, and 66436, Government Code; Sections 17, 115.5, 118, 126, and 830.3, Penal Code; Section 4307, Probate Code.

**§20800.2. Deficient Application or Lesson Plan.**

(a) If the Secretary of State determines that a Notary Public Education Vendor Application or Amendment, form NP40 (09/04), is incomplete or a lesson plan does not satisfy the requirements of Section 8201 or 8201.2 of the Government Code or this chapter, the Secretary of State shall issue a deficiency notice containing an itemized description of the deficiencies identified. The deficiency notice shall be sent by the Secretary of State to the vendor by first class mail to the address listed on the Notary Public Education Vendor Application or Amendment, form NP40 (09/04). The Secretary of State shall use his or her discretion in determining whether or not to return the lesson plan with the deficiency notice. The decision shall be based on cost effectiveness and efficiency to the Secretary of State.

(b) A vendor shall have thirty (30) business days from the date on which the deficiency notice was mailed by the Secretary of State to submit documentation to the Secretary of State curing the deficiencies identified in the deficiency notice.

(c) The Secretary of State may issue more than one deficiency notice to a vendor regarding the same Notary Public Education Vendor Application or Amendment, form NP40 (09/04), and lesson plan at any time during the review process.

(d) If the Secretary of State does not receive a written response to a deficiency notice from the vendor curing the deficiencies or the vendor does not cure the deficiencies identified in a

deficiency notice within thirty (30) business days from the date in which the Secretary of State mailed a deficiency notice, the application and lesson plan shall be deemed disapproved.

(e) If an application or lesson plan is disapproved, the Secretary of State shall send to the vendor at the address listed on the Notary Public Education Vendor Application or Amendment, form NP40 (09/04), a notice of disapproval and the lesson plan submitted to the Secretary of State.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 22441, 22442.2, and 22442.3, Business and Professions Code; Sections 14, 1181, 1183.5, 1185, 1188, 1189, 1190, 1193, 1195, 1196, 1197, 1633.11, and 1633.12, Civil Code; Sections 1935, 2093, and 2094, Civil Code of Procedure; Section 3505, Commercial Code; Section 8080, Elections Code; Sections 1360, 1362, 6100, 6107 through 6110, 6203, 6707, 6800, 8200 through 8230, 27287, 66433, and 66436, Government Code; Sections 17, 115.5, 118, 126, and 830.3, Penal Code; Section 4307, Probate Code.

### **§ 20800.3. Notification of Changes of Approved Vendor Information**

Within thirty (30) business days of any changes in the information contained in the application approved by the Secretary of State or most current amendment submitted to the Secretary of State, an approved vendor shall submit to the Secretary of State a Notary Public Education Vendor Application or Amendment, form NP40 (09/04), identifying the changes. It shall be the responsibility of an approved vendor to confirm receipt by the Secretary of State.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

**§ 20800.4. Lesson Plan Revisions.**

- (a) An approved vendor shall revise an approved lesson plan as necessary to ensure that the information provided in an approved course of study reflects current California law concerning the duties and functions of a notary public.
- (b) Any proposed revisions to an approved lesson plan shall be approved by the Secretary of State prior to implementing the proposed revisions in an approved course of study.
- (c) To apply for a certificate of approval for a revised lesson plan, an approved vendor shall submit a completed Notary Public Education Vendor Application or Amendment, form NP40 (09/04), and a revised lesson plan in accordance with Section 20800.
- (d) The provisions in Sections 20800, 20800.1, and 20800.2 shall apply to a revised lesson plan.
- (e) Upon approval of a revised lesson plan, the Secretary of State shall issue a certificate of approval for the course of study as identified in the revised lesson plan. The certificate of approval shall include the following: the name of the approved vendor as listed on the most current Notary Public Education Vendor Application or Amendment, form NP40 (09/04); the address on file with the Secretary of State as listed on the most current Notary Public Education Vendor Application or Amendment, form NP40 (09/04); the vendor identification number issued by the Secretary of State; and the date on which the revised lesson plan was approved by the Secretary of State. A certificate of approval for a revised lesson plan is non-transferable and shall not be transferred to another vendor or another course of study.
- (f) As of the approval date of the revised lesson plan as indicated in the certificate of approval, an approved vendor shall only utilize the revised lesson plan in an approved course of study.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 22441, 22442.2, and 22442.3, Business and Professions Code; Sections 14, 1181, 1183.5, 1185, 1188, 1189, 1190, 1193, 1195, 1196, 1197, 1633.11, and 1633.12, Civil Code; Sections 1935, 2093, and 2094, Civil Code of Procedure; Section 3505, Commercial Code; Section 8080, Elections Code; Sections 1360, 1362, 6100, 6107 through 6110, 6203, 6707, 6800, 8200 through 8230, 27287, 66433, and 66436, Government Code; Sections 17, 115.5, 118, 126, and 830.3, Penal Code; Section 4307, Probate Code.

**§20800.5. Proof of Completion.**

(a) An approved vendor shall issue proof of completion to a notary public applicant or notary public upon completion of an approved course of study, except as provided in subdivision (c).

(b) An approved vendor shall ensure that only a person who has completed an approved course of study receives proof of completion, except as provided in subdivision (c). If a notary public applicant or notary public fails to be present during any portion of an approved course of study, the approved vendor shall not issue a proof of completion to the notary public applicant or notary public, and the notary public applicant or notary public shall not receive credit for the time in which he or she was present.

(c) Proof of completion shall consist of a certificate signed by an approved vendor or an employee, agent, instructor, contractor, or subcontractor of an approved vendor, which contains the following information:

1. The name of the approved vendor as it appears on the certificate of approval issued by the Secretary of State for the approved course of study.

2. The name of the notary public applicant or notary public who completed the approved course of study.

3. The type of photograph identification, identification number, expiration date, and state or country of issuance of the documentation establishing the identity of the notary public applicant or notary public who attended and completed the approved course of study.

4. The date the notary public applicant or notary public completed the approved course of study.

5. Whether the proof of completion is for a three-hour or six-hour course of study.

6. The following statements: (1) proof of completion shall be valid for a period of two (2) years from the date of issuance; and (2) proof of completion must be attached to the notary public application when submitted to the Secretary of State.

(d) Proof of completion of an approved course of study shall be valid for a period of two (2) years from the date of issuance. If proof of completion is submitted to the Secretary of State more than two (2) years after the proof of completion was issued, the Secretary of State shall notify the notary public applicant or notary public that the proof of completion is not valid and instruct the notary public applicant or notary public to complete an approved course of study and submit a valid, current proof of completion to the Secretary of State.

(e) Proof of completion submitted to the Secretary of State with a notary public application shall not be returned to the notary public applicant or notary public.

(f) If a notary public application is submitted without proof of completion or proof of completion is submitted without a notary public application, the Secretary of State shall return it to the notary public applicant or notary public with notification of the deficiency.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.



**§20800.6. List of Attendees.**

(a) An approved vendor shall maintain a list of persons who attend each session of an approved course of study for a period of two (2) years from the date of issuance of proof of completion for the session in which a list refers. The list shall include the following:

1. The name of the approved vendor as listed in the certificate of approval for the approved course of study;
2. The vendor identification number issued by the Secretary of State;
3. The name of the instructor or instructors who taught the approved course of study;
4. The date, time, and location of the approved course of study;
5. The names of all the attendees in alphabetical order by the last name of the attendee and whether or not proof of completion was issued to each attendee; and
6. The type of photograph identification, identification number, expiration date, and state or country of issuance of the documentation establishing the identity of the notary public applicant or notary public who attended and completed the approved course of study.

(b) An approved vendor shall not collect the social security numbers of any attendees.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

**§20800.7. Secretary of State Attending Approved Course of Study**

An approved vendor shall permit the Secretary of State or representatives of the Secretary of State to attend any approved course of study without prior notice at no charge for the purpose of observation, monitoring, auditing, or investigating. The Secretary of State or representatives of the Secretary of State shall provide an approved vendor with a letter stating such and signed by the Secretary of State or a representative of the Secretary of State.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

**§20800.8. Duty to Respond to Secretary of State Inquiry.**

(a) An approved vendor shall have thirty (30) business days from the date on which a written inquiry was sent by the Secretary of State to submit a written response to the Secretary of State. The Secretary of State may submit a written inquiry to an approved vendor by personal delivery, certified mail, facsimile transmission, electronic mail, or any other method, which provides the Secretary of State with some evidence that the written inquiry has been received by an approved vendor or the employees, agents, instructors, contractors, or subcontractors of an approved vendor. The Secretary of State shall utilize the contact information provided on Notary Public Education Vendor Application or Amendment, form NP40 (09/04), filed pursuant to Section 20800 or 20800.3.

(b) Failure to respond to a written inquiry of the Secretary of State in accordance with this section may result in the termination of a certificate of approval pursuant to Section 20801.2.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

**§20800.9. Cancellation or Delay of Scheduled Approved Course of Study.**

(a) Prior to charging any fees to a notary public applicant or notary public for an approved course of study, an approved vendor shall disclose the refund policy of the approved vendor.

(b) An approved vendor shall refund all fees within thirty (30) business days of a scheduled course date to any notary public applicant or notary public who registered to attend an approved course of study if one of the following occurs: (1) an instructor fails to appear at the scheduled time, date, and place of the approved course of study; or (2) an approved course of study is

delayed in starting more than fifteen minutes (15) after the scheduled time, a notary public applicant or notary public immediately informs the approved vendor of his or her request for a refund, and leaves the approved course of study prior to it starting.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

**§ 20801. List of Approved Vendors.**

(a) The list compiled in accordance with subdivision (c) of Section 8201.2 of the Government Code shall list approved vendors in alphabetical order according to the name of each vendor as listed on the most current Notary Public Education Vendor Application or Amendment, for NP40 (09/04), submitted to the Secretary of State.

(b) The Secretary of State may include the following information on the list of approved vendors for each approved vendor: the name of approved vendor in accordance with subdivision (a); a mailing address; a maximum of two (2) telephone numbers; a facsimile number; an email address; and a website address.

(c) The Secretary of State shall only update the list of approved vendors to add, delete, or amend approved vendor information, which is filed in accordance with Section 20800.3. An updated list of approved vendors shall be available by the first (1<sup>st</sup>) day of each month following the month during which there were additions, deletions, or amendments to the list of approved vendors. A certificate of approval must be issued by the Secretary of State or an amendment must be submitted to the Secretary of State by the fifteenth (15<sup>th</sup>) day of the preceding month to be reflected in the updated list of approved vendors available by the first (1<sup>st</sup>) day of the following month. If a certificate of approval is issued by the Secretary of State or an amendment submitted to the Secretary of State after the fifteenth (15<sup>th</sup>) day of a month, then the additions,

deletions, or amendments shall be reflected in the updated list of approved vendors available by the first (1<sup>st</sup>) day of the second (2<sup>nd</sup>) month following the month in which the certificate of approval was issued by the Secretary of State or an amendment was submitted to the Secretary of State.

(d) The Secretary of State may also make a list of approved vendors available online at [www.ss.ca.gov](http://www.ss.ca.gov). The online list of approved vendors shall be in random order and searchable by the county or counties in which approved vendors provide approved courses of study. The online list shall be updated in accordance with subdivision (c).

(e) The Secretary of State reserves the right to delete any information from the list compiled pursuant to subdivision (c) of Section 8201.2 of the Government Code or subdivision (d) of this section that the Secretary of State determines may be misleading to the public or of an inappropriate nature.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

### **§ 20801.1. Warning Letters and Termination of Certificate of Approval**

(a) The Secretary of State may issue a warning letter to an approved vendor upon any of the following grounds:

1. Violation of any of the provisions of this chapter or Sections 8201 or 8201.2 of the Government Code.
2. Misrepresentation of the laws of California concerning the duties and functions of a notary public.
3. Deviation from the lesson plan for a course of study approved by the Secretary of State

(b) A warning letter shall be sent by certified mail to the approved vendor at the address listed on the most current Notary Public Education Vendor Application or Amendment, form NP40 (09/04), submitted to the Secretary of State.

(c) An approved vendor shall submit a written response to the Secretary of State in accordance with Section 20800.8.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

### **§ 20801.2. Termination of Certificate of Approval**

(a) The Secretary of State may terminate a certificate of approval after issuing three (3) warning letters to an approved vendor or in accordance with Section 20800.8.

(b) The Secretary of State shall send a notice of termination by certified mail to the address listed on the most current Notary Public Education Vendor Application or Amendment, form NP40 (09/04), submitted to the Secretary of State. A notice of termination shall include the grounds for termination and the date on which termination shall be effective.

(c) Within thirty (30) business days of the termination of a certificate of approval, a vendor shall refund all fees to all persons who paid to attend an approved course of study if the course is scheduled after the effective date of the termination.

(d) If a notification of termination is returned to the Secretary of State indicating that the notice was unclaimed or the mail is undeliverable, the Secretary of State shall attempt to notify a vendor of the termination at any address, telephone number, facsimile number, or email address that the Secretary of State may have for the vendor. The effective date of the termination, as stated in the notification of termination, shall not change due to the fact that the notice was unclaimed or the mail is undeliverable.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

**§ 20801.3. Cancellation of Certificate of Approval**

(a) An approved vendor may cancel its certificate of approval by submitting a written notice of cancellation to the Secretary of State. Unless otherwise stated in the notice of cancellation, the effective date of the cancellation of the certificate of approval shall be thirty (30) business days after receipt of the notice of cancellation. It shall be the responsibility of a vendor to confirm receipt by the Secretary of State.

(b) Within thirty (30) business days of the effective date of a cancellation of a certificate of approval, a vendor shall refund all fees to all individuals who paid to take an approved course from a vendor if the course is scheduled after the effective date of the cancellation.

Note: Authority cited: Sections 8201.2 and 8220, Government Code.

Reference: Sections 8201 and 8201.2, Government Code.

~~§20800.~~ §20802. Notary Public Fees.

~~§20801.~~ §20803. Notary Public Examination.

~~§20802.~~ §20804. Notary Public Disciplinary Guidelines.